

## In the Public Interest

---

Volume 5 | Number 1

Article 4

---

4-1-1985

### American Prison as a Subculture

Dennis Clary

*University at Buffalo School of Law (Student)*

Follow this and additional works at: <https://digitalcommons.law.buffalo.edu/itpi>



Part of the [Law and Society Commons](#), and the [Law Enforcement and Corrections Commons](#)

---

#### Recommended Citation

Dennis Clary, *American Prison as a Subculture*, 5 Buff. Envtl. L.J. 13 (1985).

Available at: <https://digitalcommons.law.buffalo.edu/itpi/vol5/iss1/4>

This Article is brought to you for free and open access by the Law Journals at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in In the Public Interest by an authorized editor of Digital Commons @ University at Buffalo School of Law. For more information, please contact [lawscholar@buffalo.edu](mailto:lawscholar@buffalo.edu).

---

## American Prison as a Subculture

### Cover Page Footnote

Illustration by K.M. Spencer

# AMERICAN PRISON AS A SUBCULTURE

by Dennis Clary

*This paper is about prison in America: what its goals are, what it does to people who live through it, what changes in human nature it causes to take place; it is about violence of all kinds, generated for the most obscene of reasons, to break men and reduce them to animals; it is about alienation, abandonment, and desolation, and how prisoners cope with it, and what happens to those who can't; it is about how laws are formed in a society of those deemed incapable of living within laws, and about how that society polices itself.*

*I lived in prison for one year: I was in seven different institutions in New York, including Attica and Dannemora, two of the worst holes imaginable; in six of the facilities where I spent time (even overnight), someone was murdered while I was there; I was witness to one of these. Prison dramatically altered the way I viewed society and my place in it, and gave me an understanding of these people's lives which I could never have acquired in a hundred years of academic research; it gave me an understanding of myself.*

*I borrow some descriptions of the prison experience from Jack Abbott, who has spent his life in maximum security; I cannot pretend to personally testify to what Abbott describes, and I do not share all of his conclusions, but the little I have seen convinces me of the truthfulness of his descriptions and that what he says cannot be taken seriously enough.*

*I also make some comparisons between the lives of inmates and those of the Ik, a disintegrated African Society captured in Colin Turnbull's book, The Mountain People reflections upon what happens when the state acts with indifference toward people, not realizing or caring about the human consequences of their attitudes.*

*Finally, I will touch briefly on an alternative to incarceration that has been suggested in Canada, looking at its effects, in social, economic and psychological terms.*

---

Dennis Clary is a J.D. candidate, May 1985, State University of New York at Buffalo.

The first thing to remember when considering prisons in America is that the prison society exists because of deliberate action on the part of the state; nobody goes to prison unless the state has taken an adversarial position with regard to that person. The attitude of the state toward those whom it has incarcerated is overtly hostile; their very presence in this environment is proof that they are unfit to deal with civilized society, because that is the definition of prison: it is where society sends those who are morally unfit to live in society in a civilized manner.

A corollary of this attitude is that those who get incarcerated cannot be viewed as individuals (ironic indeed, given the emphasis on individual responsibility in determining guilt), for to do so would lessen the distance between them and the society which has ostracized them, and would remove some of the moral justification for punishment (we punish people because they aren't like us; to maintain the fiction, we must depersonalize criminals). Accordingly, prisons systematically remove badges of individuality from entering inmates: hair is completely shaved; all personal belongings are confiscated; each person is issued a uniform (only lip service is paid to the notion that clothes should fit); each prisoner is given a number, partially for record-keeping purposes, but also as a means of demeaning the person; it is much more of an affront to one's identity to be referred to by number than by name.

Crucial to creating a loss of identity, and replacing it (important) with a feeling of inferiority on the part of the prison population, is the harshness and deprivation of the environment, especially in the first days of incarceration. In New York, the first exposure a new inmate has to the correctional system comes either at Sing Sing or at Attica. This period is known colloquially as reception, and it consists of a waiting period of anywhere from two to twelve weeks, during which time the inmate is locked in a special housing unit segregated from the main prison population. He receives no packages or visits, nor is he allowed to purchase anything from the commissary; any toiletries he may have brought are confiscated by the institution and he is allowed toothpaste, a brush, and soap. As he is expected to remain clean-shaven throughout this period, he is provided a safety razor (being dangerous to himself and others, he is not allowed to get at the blade; the razor is locked and requires a special implement to open it). To accomplish

his toilet and wash his clothes, each inmate receives daily a can of water, usually about half a gallon; this is all the hot water he will get in a day, and from it he must shave, wash, and do his laundry (all laundry is not the inmate's responsibility; the facility changes his linen once a week). Twice a week, he gets a five-minute shower, with the water controlled by the guards (this sometimes provides them with amusement on slow days).

The worst aspect, however, is the sensory deprivation; during reception, inmates are kept in their cells an average of twenty-two hours a day, being allowed out for three twenty-minute meals, and an hours' recreation (at the guards' option). Books, except for those classified as religious or educational, are taken away upon arrival, and the only ones provided by the facility are pulp novels (usually with pages ripped out); those inmates who are especially lucky have a working set of headphones which can be plugged into a jack, providing whatever radio station the institution deigns to have playing at the moment (there is only one jack, so there is no choice of what to listen to); inmates cannot see each other.

After an indeterminate length of time (one of the first things you learn in prison is that everything works on an indeterminate schedule: the length of sentence, scheduling of appointments, processing of transfers, and all other aspects of prison life are handled in such a way that the inmate never knows when anything will actually happen, or how long any process will take, and it is deemed to be none of his business, by virtue of his having proven himself unworthy of such civilities; after all, when the state is taking care of you, questions of that nature are not proper), the inmate is sent to Dannemora (also known as Clinton) for process and classification. Dannemora is Hell on Earth; inmates who cannot be handled at Attica are sent here. It is immediately impressed upon new arrivals that no degree of non-conformity to the regimen will be tolerated; the most effective way to accomplish this is the firm application of a nightstick to an unsuspecting inmate's ribcage (one who was previously smiling is best; it demonstrates the kind of attitudes that can get you into trouble).

While at Clinton, inmates are again segregated from the population at large; this time, however, the segregated group, which was perhaps thirty to fifty inmates at the previous facility is now a group of approximately seven hundred, and occasionally a small segment who has been processed will be shipped out and another small group will be brought in to replace them. The process of classification takes approximately six weeks (again subject to indeterminate scheduling), and consists of a battery of examinations: physical, psychological, and mental. The last two consist of a series of word association and hypothetical response tests, along with standard high school aptitude tests; it should not be assumed that any attempt is being made in this process to individualize the inmate, or develop any sort of program for him consonant with his needs, skills

or personality; what the system is doing is determining who is likely to be a security risk, so that they can better know how closely to monitor the behavior of those it finds especially deviant (Abbott would say that those with especially high intelligence fall into this category and are watched particularly closely; this may be true in the worst prisons, as people of high intelligence are less likely to adjust comfortably to the environment, and are also likely to stir up others; I will return to this). At this time, it will be decided where the inmate is to do his "bid"; this decision will be based on arbitrary criteria: the length of sentence (anyone with a minimum sentence greater than three years automatically goes to a maximum security facility, other factors notwithstanding); whether or not the crime involved a weapon; the inmates past criminal record. No factors relating to the individual as a human being play any role in the classification process.

---

*What the system is doing is determining who is likely to be a security risk . . . No factors relating to the individual as a human being play any role in the classification process.*

---

The physical environment in Dannemora is more severe and intimidating than in the holding facility. The prison is isolated in the Adirondacks, and in the winter (when I was there), the weather is brutal. There is only one road into the town, so escape is virtually impossible, as if sixty-foot walls (equally extensive underground, like tree roots) were not deterrent enough. Reception inmates live in tiers of sixty cells; there are two sets of six tiers, set back-to-back. It is possible to hear practically everything in a three-tier radius (ground level bisects the tiers laterally, so that half the tiers are underground), so that although the isolation and loneliness are pervasive, there is little privacy. There is, however, ample opportunity to overhear conversations which (for me, at least) are chilling. I remember most vividly hearing an inmate in the tier above mine describing gleefully how he liked to kill people just to watch the way they died, which amused him greatly. It came home to me quickly that I could easily be killed for someone's entertainment, or simply because they didn't like my face. This comforting thought was never far away.

Also, the state begins to actively accost the inmate at this point, to break down his resistance, and let everyone "know the score"; this is usually done through direct physical intimidation. While at Clinton, I witnessed a brutal example of this. When inmates are first brought in, they

are subjected to a strip search and cursory medical examination, usually within an hour of arrival. One evening, a new group of inmates was brought in (it is standard practice for "veterans" to harass new arrivals on their first night at Clinton, and this is not discouraged by the police, as it serves to add to the humiliation and brutality of the place), and during the search one of them, a huge Black man who could have eaten me for breakfast made an obscene remark to a passing female guard, who could not have been less than a hundred pounds lighter than he; from my cell, I heard her tell the guard at the controls to "crack" (open) the inmate's cell, and tell the inmate to step out onto the tier and repeat his suggestion; when the inmate stepped up to her, she swung her nightstick into his skull as though she were hitting a curveball, sending the man into the bars and fracturing his skull. This incident was more important (from the police's standpoint) for the effect it had on those who witnessed it than on the direct victim, for it served notice as to how such talk (not so much as obscenity, but as a lack of docility) was treated. The lesson was well taken.

Psychological intimidation is also a common tool; one day, as I lay in my cell reading, I overheard the following conversation between a cop and an inmate: (cop) "You're an asshole, aren't you, fucker?" (inmate): "No, sir"; "You calling me a liar, shithead?"; "No, sir"; "Then you're an asshole, aren't you?"; "No, sir"; "Then you're calling me a liar"; "No, sir"; "Then you're an asshole, aren't you?" This line of questioning went on until the inmate admitted to being an asshole for the satisfaction of the guard, who snickered and sauntered off. While such individual attention was not afforded everybody, the police were adept at administering humiliation and fear in mass doses.

I was fortunate enough to be a participant in one particular charade. It was on New Year's Eve, and we were going to dinner. At Clinton, everybody moves "by the stick", marching in double file; when the stick hits the wall once, everybody stops; twice, everybody moves (the sound of stick on wall echoes through the corridors). As we approached the mess hall, the line split into two single files, divided almost totally along racial lines; as there are more Whites than Blacks, the lines are uneven, and those at the back of the White line are expected to move over so as to even the lines out. On this particular day, as we turned the corner leading to the mess, a guard stopped the inmate four ahead of me and took the cell number of every inmate back to the end of the line, about seven in all. That evening, we were each given a misbehavior report, stating that we had "failed to obey a direct order" and were scheduled for hearings before the Adjustment Committee the following day (it was postponed; the next day being New Year's, the Adjustment Committee had the day off). At about 2:00 in the afternoon on January 2, we were called out of our cells; at the end of the corridor we were all searched ("patted down", the expression is), and taken upstairs, where we were immediately searched again, and deposited in a small room. One at a time, we were taken before the Com-

mittee, consisting of a very abrasive and sadistic lieutenant and two other police; there was also a guard standing about three feet away, tapping his stick rhythmically into the palm of his hand, bouncing lightly on his toes, just hoping to spring into action and make points with his boss by beating some surly inmate into a pulp. The lieutenant told me that I, along with the others, were charged with failure to obey a direct order, and inciting to riot! (I should mention at this time that, with possibly one exception, none of the seven "conspirators" was any more physically imposing than I, at 5'9" and 135 lbs.). He said to me, "You're guilty, aren't you?" I made the mistake of trying to explain that I was ignorant of what was going on in the dinner line before the guard started taking cell numbers; I had gotten out perhaps four words when the lieutenant leaned over the desk and yelled, "I said, 'You're guilty, aren't you?'" This time I was bright enough to catch on and admitted my new-found guilt, at which point the lieutenant said, "The next time we'll put a choker around your neck and kick your ass down the fucking stairs." (The stairs were about twenty-five in number, and I had no doubts as to the lieutenant's sincerity). We were searched again upon leaving the room, and yet again downstairs. Our sentence was a one-week "keep lock", which actually only added about one hour per day to the time already spent in the cell (twenty-one hours, unless there was testing), as we no longer got out for meals; this was quite mild by Clinton standards.

The desired result, all too-often successfully achieved, of this attitude of hostility manifested by violence is to cut the individual inmate off from society psychologically. The belief is that those who have transgressed against society are to be thought of as enemies, and hence are unworthy of what we normally view as routine kindnesses. The end product is an artificial society of people who have nothing in common but the fact that they have been subjected to the same treatment and have none of the normal societal support systems and community-building institutions people outside of prison have. There is essentially no freedom of movement within the correctional system (at least not without the sanction of the Department of Corrections); there exist very few programs designed to help inmates maintain contact with, or prepare for a return to, outside society; no effort is made by prison institutions to generate a sense of commonality among the population (if anything, such things are viewed with suspicion and disease); violence: physical, sexual and psychological, is condoned and passively encouraged; above all, the loneliness and isolation are systematically brought home to prisoners. What is most disturbing about all of this is that the prisoner is constantly told that he deserves it, that it "comes with the territory", that his past action justifies whatever happens to him now. This is the thrust of incarceration.

Living in this environment, where every day is filled with physical and psychological violence unopposed by a positive network tying one to the larger community (indeed,

---

*When state action designed to create as malignant and alienating an atmosphere as possible is combined with the intense drive of inmates to find some way of defining themselves in the absence of a communal framework, what evolves is a society that attaches a great importance to status, and which sets up subcultures of different types, revolving around different status positions.*

---

virtually abandoned by that community), for a period of time dictated by those responsible for his treatment, the individual is forced to find new ways of defining and maintaining his sense of self. It is routine for people to draw their concept of self from the response they generate in others; to a large extent we learn who we are from those who see us. Prisoners are constantly fed a negative picture of themselves, and to the extent that they accept this they become increasingly alienated from the society that gives them the picture; this sets up an attitude of hostility and defensiveness which makes it harder for a released convict to function constructively on the outside. Because he believes, often rightly, that society is antagonistic toward him, the convict finds himself unable to identify in a way that allows him to cooperate to fulfill his needs, nor does he feel any responsibility to do so. Often he defines himself outside of the larger society, and sets himself up in opposition to it; usually he winds up committing another crime, either out of a sense of hostility or revenge, or because he finds no promise in following the procedures society establishes for its members after being informed that he is not one of them. Then he is returned to jail, where his isolation is reinforced, and he is again told that he is unworthy to be considered in non-hostile terms. It becomes necessary for survival for the person who lives in prison, especially for a recidivist, to develop a strong enough personality to withstand a hostile culture. This is not to be equated with a healthy ego structure, for the individual is never integrated into the larger "normal" community, is never taught how to interact constructively with society, is in fact told repeatedly that he is incapable of it, and that society has no further responsibility or desire to allow him

to try. Most inmates believe that they must be self-reliant to survive and that it is unwise to be too trusting or show any signs of weakness, the lack of positive feedback received in jail skews the self ultimately created into someone often unable to formulate any other than a suspicious, defensive/aggressive posture when dealing with others.

In addition to this is the fact that prison society is a non-growth culture, by which I mean that there is no goal toward which the prison society as a unit strives, and no sense of purpose which would override individual self-interest. In this way prison society resembles that of the Iik; individual life is often so precarious, and is so unpleasant even when not immediately threatening, that the vast majority of one's energies are spent in guaranteeing personal security. There is no motivation to consider the welfare of those around one, and consequently little hope of developing any community structures for the advancement of the group.

Nevertheless, an odd sort of society does develop in prison, and a type of customary law evolves to maintain the social structure. (I am using customary law in this context as a set of patterns whereby the members of the culture are able to form reasonable expectations regarding each other's behavior so as to structure action to maximize survival and self-definition.) This evolution is carefully monitored by the prison authorities, who have an interest in maintaining a high level of isolation and tension in the prison atmosphere and therefore do not want to see too firm a cohesiveness formed that could counteract this. When state action designed to create as malignant and alienating an atmosphere as possible is combined with the intense drive of inmates to find some way of defining themselves in the absence of a communal framework, what evolves is a society that attaches a great importance to status, and which sets up subcultures of different types, revolving around different status positions.

Status dictates much of behavior in prison, and inmates attempt to establish a powerful status as soon as possible. Some statuses and the cultures that grow therefrom are condoned or encouraged by the police, while others generate hostility. If an inmate's status position is of the sort which tends to coalesce the inmate population as a group and give it a sense of larger community, he will be thwarted and his influence negated; on the other hand, those status relationships which tend to reinforce the negative images which the institution wants inmates to have of themselves are generally not interfered with, and a certain amount of violence associated with such relationships is accepted by the authorities.

The most common type of status position in prison is that of the strongman. A person who is physically imposing usually has a great deal of power in prison society, for two reasons: first, he is able to defend himself in physically threatening situations (also to threaten others in turn), which obviously enhances his capacity for survival; a second, more subtle reason, is that such an individual

often generates a belligerent persona, and thus appears to have a greater sense of self than those who are weaker (aggressive behavior is often mistaken for self-confidence; the police are adept at separating those who are genuinely strong from those who merely swagger). It is these people who are most often involved in homosexuality in prison, usually with a weaker, younger ("pretty") inmate whom they protect from the other inmates, and convert into a "wife". In the documentary "Scared Straight", a lifetime inmate at Rahway State Prison in New Jersey tells a young blond juvenile, "You're cute. You know what'll happen to you? You'll belong to one of us; you'll do errands, and cook, and you'll be used as whoever gets you likes. In return, he'll protect you. You'll be his wife; he can sell you or loan you out for a pack of cigarettes whenever he feels like it, and you got no choice." (When I was in Monroe County Jail waiting to go to Attica, it was commonly thought that, once in state prison, I would "wear a dress"; fortunately, this did not occur.) This type of arrangement often goes on in prison with the police having full knowledge of the details. Abbott says this is allowed because it is the type of structure the warden can control, a hierarchical system which can be used to maintain order; indeed, strongmen in prison are often encouraged because they maintain a type of order that makes the cops' work easier. These arrangements also find favor because they keep the weaker inmates in a state of fear and degradation, making them more docile, hence more manageable. The homosexuality is also allowed because it is viewed as a relatively simple way to control violent impulses, to release hostility in a way that disrupts order as little as possible; certainly no thought is given to the safety or well-being of the individuals involved.

There are two ways in which the strongman is treated by the penitentiary. The first, as I have mentioned, is a policy of acquiescence or even encouragement; I spent very little time in maximum security facilities, where strongmen are most often found, but Abbott tells how such inmates are often given preferential treatment by guards in return for "controlling" other inmates (the inmate, of course, has no real status in the eyes of the police other than as a tool, and they can eliminate him very cleanly by creating the impression that he "works for" the prison, in which case he is immediately in great danger), and I had secondhand evidence of this, especially in Dannemora. The second response is that evidenced by the incident between the large Black inmate and the female guard that I described earlier, in which the prison officials will single out someone who either has strongman status or is a likely candidate for it and break him in a brutal manner early on so as to make an example of him for intimidation purposes.

Status in prison also accrues to those who provide services; there are three general categories of services rendered. First, there is the "jailhouse lawyer," who is important not only for the practical help he can provide inmates in processing appeals and lawsuits, but also for his ability to read and write, which is not of small significance,

---

*Living in school had warped my priorities; living in prison taught me that my learning was worthless if I did no more with it than make it a justification for elitist behavior.*

---

being in short supply; second, and not unrelated, is the teacher, who can provide skills which other inmates can use, usually to impress the parole board, occasionally for their own intrinsic value. Inmates in these positions are often treated with greater deference by the prison population unless they use their advantages to assume an air of superiority (while intelligence is valued, it does not carry the same weight as physical prowess, and academic learning is less valuable than "street smarts", which provide better training for dealing with an environment that does not conform to bookish analysis, and which are not tainted by association with another mistrusted social institution, the classroom). These positions are viewed more warily by prison officials than those which owe their influence to physical factors, for a number of reasons: most immediately, such inmates often help others to lodge proceedings against the prison regime or against the state; these actions are important to inmates because their success is often the only way they can vindicate themselves against society, which is counter to the wishes of the administration; second, these inmates are able to help others to gain a greater measure of self-respect, and the relationships thus formed are grounded (to the limited degree that this is possible) in trust and cooperation, rather than in force and intimidation, and are hence more akin to societal bonds and are more threatening to the aura of alienation prisons thrive on.

When I went into prison it was the first time I had been out of a formal academic environment in twenty years. The insulation from society that school provided made it very easy for me to take my intelligence and education for granted; I was very impressed with what I knew, and had often viewed it as a mark of superiority. When in jail, I realized early that such an attitude was not a good way to stay healthy; more important, however, was the realization that it was not a valid way to deal with my knowledge. Living in school had warped my priorities; living in prison taught me that my learning was worthless if I did no more with it than make it a justification for elitist behavior. I saw that prisoners were often victimized by attitudes like mine, and maybe I should try to do something by way of atonement. So for the first time I put my education to better use than simply accumulation and snobbery and I became a teacher, providing instruction in reading for GED students at Arthurskill, and later in electronics at Albion. I did not realize

it at the time (at least not in an articulable way), but I believe now that this was why I had a "sweet bid" (one free from physical harassment from other inmates); I had acquired status, and gained a measure of respect. My position also had more tangible benefits, as when a couple of my electronics students threatened to beat up a prisoner who didn't like me for being a "smart-ass college boy". I was also tolerated by the police, who don't usually give inmates credit for enough intelligence or desire to actually learn anything, and so viewed my efforts as futile, and therefore relatively harmless (this would not have been their attitude if they thought I was teaching anything that would change an inmate's self-concept; by and large, most cops are too sold on the stereotyped picture of their charges to realize the value to one's self-esteem of any kind of legitimate education or the individual inmate's capacity to acquire or appreciate it).

The third type of service-oriented status position is he who provides material goods in jail, usually in the form of contraband such as drugs, money or weapons. It is possible to obtain any of these things with the right contacts, and people with access to desired items enjoy a great deal of prestige. The police attitude toward such situations is ambivalent: there is obviously a concern lest inmates have too much power or too much access and connection to outside society; also, there is the violence that often attaches to these transactions. (These considerations are probably of greater weight than the prohibition against drugs *per se*, which serves merely as a rationalizing device.) There is also a great profit to be made, and there are more than a few guards that, for consideration, will facilitate the introduction of contraband into a prison (there was a guard named Rimmer at Albion who was greatly disliked by the other police for having been a scab during the guards' strike in 1979; he made a tidy profit bringing drugs into the place, giving warning of inspections, and helping inmates arrange sexual encounters, Albion being New York's only coed prison).

In a way, I also enjoyed a status position of this type while at Arthurkill, where the local (Staten Island) community college offered courses to qualified students; I served as the liaison between the inmates and the college, and was responsible for processing financial aid forms, TAP and VA benefit applications, and for guaranteeing that registration was handled as smoothly as possible. The position had always been held by one of the Civil Service people employed by the prison, who are generally viewed with mistrust by the inmates as being employees of the state; my being an inmate made it easier to obtain the cooperation and patience of students going through the usual bureaucratic hassles of trying to get money for school, and in some ways was more important to the way I was treated by other prisoners than my teaching endeavors, in that not only was I providing something tangible of recognizable value, but I was getting it from the state.

These status positions of protector/enforcer or service

provider (although the strongman also can be viewed as a service provider of sorts) are fragile positions, no matter how much power or influence they may bestow at a given moment. The reason for this is that there are two status positions which belong to everyone in the prison community and which have a greater effect on behavior than any positions acquired after arriving. One is race; racism is rampant in prisons, and is encouraged by the police, both because the job of a prison guard or official tends to attract people with racist tendencies (I seriously contend that most police are racially biased, and prison guards are considered the dregs of the police) and because racial tension provides a convenient and predictable way to keep the inmate population on edge and maintain the necessary level of hostility, fear and distrust required to keep control. More fundamental than this, however, is the prisoners' status as *prisoners*; nothing is more important to understand about prison than the never-ending irrevocable opposition of prisoner to state. This antagonism is handled by each inmate in one of two ways: either it becomes the motivating force in his existence, often as ideology, often simply as unanalyzed raw hatred; or he accepts a tone of conciliation, submitting passively to the state's authority. Which choice the inmate makes has profound implications, both short- and long-term.

Those inmates who choose the first option and view themselves as in constant warfare with the state are likely to develop an attitude such as that given voice by Jack Abbott:

The "working code" of a convict is at bottom to best the man, the pig. To do what he can to get his time done and get out of prison. There are some things he can't do and still be a man (a convict). At that point, he rebels. He has no "revolutionary ideology," true. But eventually he'll run into me in the hole and I'll tell him things that will clear this confusion and give his rebellion a cause . . . And when he rebels alone, if I see him fighting a squad of pigs on the yard or in the hole, I will never hesitate to dive in. We are brothers under the skin. His fight is my fight. If I pay the highest price for helping him and he later cops out, it doesn't bother me. I've done right and I have no bad feelings for him. We got no one but each other, and I learned that a long time ago.

For prisoners who adopt this attitude, every other relationship is secondary, and their hatred of the system motivates not only their own behavior, but their expectations of how other inmates must view prison existence. For them, when they see an inmate being hassled by the police or in danger of being caught for a violation of prison rules, it makes no difference what their personal feelings are toward that inmate as an individual, their responsibility is to help another



prisoner; inmates who are consumed with blind racial hatred will defend their enemies with an equally blind passion, when the common enemy is involved. They are dedicated to the fight against the pig.

For those inmates who choose the other course, a fundamental psychological dislocation takes place. To understand this, one must realize that the primary psychological thrust of prisons is to convince inmates that they deserve the treatment they receive; this is not to say that the goal is to convince prisoners merely that they belong in prison, but rather that the underlying premise of prisons, namely that once one has been incarcerated all rights to be considered a member of society have been forfeited and one can be treated as the authorities see fit, is valid and that therefore the inmate can be said to have "earned" the abuse and hatred and intimidation he lives with. Abbott says, and my own experience and observations support this, that the only way a man can get released from prison via parole is to justify in his own mind what the state has subjected him to, which means he must share the state's opinion of him. This is what it means to be "rehabilitated" in jail; it

is no different from the process Winston Smith is subject to by the interrogator in Orwell's *1984*; a kind of "doublethink" has to occur, wherein one must accept the action that has been taken against him, not only as being within the political authority of the society, but within its moral province as well; this can only occur if one comes to believe that they are deserving of no better.

These two types of inmates are in irreconcilable conflict, and this conflict is active in the formation of customary law within the prison population. Because most prisoners share the belief of prison hierarchy and society as the enemy, recourse is never had to the mechanisms of the state for dispute resolution; rather, in keeping with the primacy of the individual, it is seen as the responsibility, even the duty, of the aggrieved or victimized prisoner to defend his rights himself. Inmates who do not defend themselves are viewed as weak and are subjected to continual harassment (although a weak inmate may resort to a protector, with the attendant consequences described earlier); far worse, however, is that inmate who takes his complaint to the police, or who reports an incident. This



inmate has labeled himself as one of "them", and such people have an abbreviated life span in prison. I heard many inmates say that they would kill a "snitch" on general principle, regardless of whether they were themselves involved in the incident which led to the other inmate being so labeled, whether it occurred in prison or on the street, even if they knew nothing else of the person's existence. Inmates who put themselves in the position of an informant, or who complain to the guards when they are injured or robbed can only do so if they have come to accept as morally justified the treatment they receive, for only then can they allow this treatment to be meted out to others; they have ceased to identify with their fellow inmates, and it is for this that they must be killed.

It is interesting in this context to relate a story about David Berkowitz, the "Son of Sam" killer serving time in Attica. When Berkowitz arrived, he was the object of abuse and derision, and many thought he deserved to die. In August of 1979, while working as a trustee in the reception housing unit, Berkowitz received a knife wound across the throat that required sixty-eight stitches to close. Although his survival was purely fortuitous, and despite knowing his assailant, Berkowitz refused to cooperate with the police in apprehending the man. Immediately the other inmates' opinion of him was enhanced considerably, because he had refused to "rat out". Rather than continue their attacks on him, his fellow prisoners began to treat him with respect; he had demonstrated which side he was on.

Prison law is often handled through the intricate "grapevine" that exists throughout the system. On more than one occasion I was surprised to learn upon being transferred to a new facility how many inmates knew who I was before I arrived, as though they had been waiting for me. In some instances, this is precisely the case, and inmates who are transferred for their protection may find a reception committee waiting for them when they arrive.

Often it happens that when an inmate is killed, someone else will claim the right to avenge him. One story comes to mind which exemplifies this, and provides chilling evidence of the effectiveness of the manner in which prison justice operates. While in the recreation yard at Attica, one inmate was fatally knifed by another; although there were a couple who knew who had done the killing, the prison officials were never able to solve the murder. The killer stayed another two years in Attica and received his parole with no mention of the incident by anyone. Within eight hours of his release, he was found on a Bronx street corner with his throat slit; his victim's brother was convicted of his murder. The brother had been informed by friends as to what had happened, and had asked that the matter be left to him. All the inmates at Attica who had knowledge of the original killing knew that the inmate who had done it was as good as dead, and nobody ever let on; such is justice in prison.

Violence in prison is often generated by seemingly

trivial incidents. Abbott maintains that all violence in prison is geared for murder, because there is no other way to deal with repressed hatred; he can only come to this conclusion because he has been conditioned so thoroughly by the state that any other type of response is foreign to him; nevertheless, there are many people with Abbott's mentality in prison, and I saw a man murdered in Sing Sing while arguing with another inmate about who was the rightful possessor of a state-issue towel. This is hard to account for unless one has two factors in mind: the first is that so many prisoners, especially long-termers and recidivists, are socialized to take an antagonistic stance toward everyone they come into contact with, so that violence has become habitual and moral to them as a means of dispute resolution; second is the exaggerated significance that attaches to personal property and personal space in jail, as men clutch at whatever is available to help define themselves. In this context, not only is the property itself important for self-definition, but also the willingness and ability of the individual to protect it, to establish himself as one who does not get pushed around; it is for this reason that violence occurs in prison where it would not in the free society. It is necessary to recognize that what outside observers, who have not had their self-concept shattered by their environment and who have relatively free access to positive reinforcement, take for granted or trivialize, is of vital importance to people who may have little else, and who must rely on themselves for what they do have. It is this combination of deprivation and lack of support systems that leads prisoners to violence to maintain their place in the prison community.

A lot of what I describe serves to explain a statement made by Abbott, which I believe is true of prison life: he says that it is a fallacy that prisoners learn the "tricks of the trade" while incarcerated, as is commonly believed; rather, what a prisoner learns is the moral capacity to commit crime. By being looked upon by society as an outcast unfit for humane treatment, and being expected to accept this as morally correct, the prisoner comes to view it as impossible that he can function in society in any other than an illegal manner; more important, he feels no responsibility to, for it has been forcefully demonstrated to him that the culture views him as its enemy and will do nothing that will make him feel important or even acceptable. It becomes rational and justifiable for the convict to approach society as it approaches him. When a person is convicted for the first time, he is often put into prison with hardened, bitter convicts and sadistic, hostile authorities, and he finds himself in an environment where his very survival depends on his wits and his willingness to do whatever it takes to establish and maintain himself; I watched more than one basically decent person harden himself against a society that abandoned him as unworthy of decency, forcing him to live with those who would kill him without hesitation if they thought it necessary (guards as well as prisoners) and doing nothing positive to help him return to normal

life. America generally gives up on those whom it imprisons, and the high recidivist rate and antisocial attitude of most convicts and ex-convicts is nothing more than the logical outgrowth of this desertion by society.

I wrote earlier about "Scared Straight", the program for juvenile offenders set in the "lifers" block at Rahway State Prison in New Jersey. In this program, teenagers with a history of petty misdemeanor crimes and juvenile delinquency are taken into prison and turned over for two hours to thirty lifetime inmates. During this time, they are threatened (the passage I related earlier is but one example), physically harassed (at one point, all were made to take off their shoes and throw them in a pile behind the inmates, and were dared to retrieve them: "It's easy; all you gotta do is get by me."), and told what will happen to them if they wind up in Rahway. At one point, a con says to one kid who appeared not to take the experience too seriously, "You ever wake up in the morning and think you might have to kill someone today, or that you might get killed? I wake up every day thinking that, and if I ever catch you in here, I promise you right now, I'll kill you. What can they do to me? I'm already in here for life."

Throughout the session, the inmates told these kids of the very things I have described: the brutality, the loneliness, the elimination of society; they painted a picture of Rahway that made Devil's Island seem like paradise. The purpose was fright and shock; it worked.

Some people were amazed at this indictment of a corrupt, vicious, and incompetent prison staff; they were even more dumbfounded that the prison authorities at Rahway approved of the picture of their institution (as the film was made in cooperation with the prison, its release was subject to approval). People could not believe that these officials would admit that a prison under their control was such a hellhole, that they were doing such a bad job of controlling the abuses the inmates described as commonplace. What these critics fail to recognize is that this prison was being run exactly as intended, that these conditions do not exist because of the incompetence of the staff, but are actually welcome; Rahway is as it is by design, for that is how the state maintains control over prisoners, and this is consistent with its attitude toward inmates as less-than-human beings.

There are some alternatives to incarceration, but they are used sparingly, and the mistrust that officials appear to approach them with makes their implementation on a meaningful scale doubtful in the near future. The most widely-known of these is the Canadian Victim-Offender Rehabilitation Program (VORP), in which an agreement is worked out between the criminal and victim whereby restitution can be accomplished, with some type of state-monitored work being done by the offender until the debt is paid in lieu of incarceration. This program has several positive aspects which deserve mention. First, it preserves

prison space for those who are truly a threat to society (participation in the program is limited to non-violent crimes against property, and usually to first offenders); second, it allows for restitution to be made to the victim, at far less cost than that required to incarcerate (approximately \$30,000 a year per inmate in New York); third, and most important, it allows the victim and offender to view each other as human beings, rather than as abstractions: this is necessary if society is to change its attitude toward prisons and prisoners, and if those who would be criminals are to be given any way of realizing, in human terms, what they have done and how it affects their victims. Programs such as VORP are largely embryonic at this time, because judges and prosecutors are reluctant to apply it in any but those cases where incarceration was not a likelihood anyway. This may be due to the premise that anybody whom society considers imprisoning would not be a proper subject for such lenient treatment. By not employing alternatives to prison on the first offense, society often guarantees that those whom it incarcerates will not be amenable to its wishes in the future.

I made earlier a passing analogy between prisoners in America and the Ik described by Turnbull. The reason I believe the analogy is valid is that both of these societies owe much of their character to state action: the Ik were removed from their normal habitat and confined (although not forcibly) in an area that could not support them; the larger society viewed them as deviants and did as little as possible to improve their condition. Faced with starvation, these people reverted to a way of life better geared (they felt) to individual self-preservation; they had lost any sense of community, as such was inimical to individual survival. Turnbull suggests that the Ik are not as freakish as would be comfortable to think, that the social characteristics they had abandoned may not be as fundamental to human nature as was assumed, and that, given the right conditions, any body of people could evolve the same way. I would contend that this is what happens in jail in this country, particularly in maximum-security penitentiaries, where men are thrown together under the most dangerous and degrading of circumstances by a society that is essentially washing its hands of them. It is by no means illogical, nor should it be shocking, that people subjected to this type of life should have changed in this manner. Survival is, after all, the prime instinct.

---

#### BIBLIOGRAPHY

---

- Abbott, Jack, *In the Belly of the Beast*, Random House (New York) 1981.  
Dittenhoffer, Tony and Ericson, Richard V., "The Victim/Offender Reconciliation Program: A message to correctional reformers", 33 *University of Toronto Law Journal* 315, University of Toronto Press (Toronto) 1983.  
Turnbull, Colin, *The Mountain People*, Simon and Schuster (New York) 1972.